

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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MICHAEL MYERS,

Plaintiff,

9:20-CV-0465  
(BKS/DJS)

v.

ERICA SAXTON, *et al.*,

Defendants.

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**APPEARANCES:**

**OF COUNSEL:**

MICHAEL MYERS

13462261604

Plaintiff, *Pro Se*

Central New York Psychiatric Center

P.O. Box 300

Marcy, New York 13403

HON. LETITIA A. JAMES

New York State Attorney General

Attorney for Defendants

The Capitol

Albany, New York 12224

KONSTANDINOS D. LERIS, ESQ.

Assistant Attorney General

**DANIEL J. STEWART**

**United States Magistrate Judge**

**ORDER**

Presently pending with the Court is Plaintiff's Motion to Compel discovery responses. Dkt. No. 72. Defendants have responded to the Motion by stating that they have no record of receiving the discovery demands at issue prior to Plaintiff's service of

the Motion. Dkt. No. 73. Defense counsel stated that a response to the demands received with the Motion will be served within thirty days. *Id.* Given that responses have not yet been produced but will be, the Court denies the Motion as moot and directs that responses be provided to Plaintiff on or before October 18, 2021. Plaintiff may, if warranted, renew his Motion after receiving responses.

**ACCORDINGLY**, it is hereby

**ORDERED**, that Plaintiff's Motion to Compel (Dkt. No. 72) is **DENIED as moot**; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on the parties.

**IT IS SO ORDERED.**

Date: September 20, 2021  
Albany, New York



Daniel J. Stewart  
U.S. Magistrate Judge